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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,432

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Julianne Bielski

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EXAMINER

RECEK, JASON D

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

01/31/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/689,432	BIELSKI, JULIANNE	
	Examiner	Art Unit	
	JASON RECEK	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-14, 16 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-14, 16 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to the amendment filed on November 23rd 2010.

Status of Claims

Claims 1-3, 5-9, 11-14, 16 and 22-24 are pending, of which claims 12 and 22-24 are currently amended.

Response to Arguments

1. Applicant's arguments, see pg. 8, with respect to the 101 rejection of claims 12-14 and 16 have been fully considered and are persuasive. The 101 rejection of claims 12-14 and 16 has been withdrawn.
2. Applicant's arguments, see pg. 8, with respect to the 112 rejection of claim 23 have been fully considered and are persuasive. The 112 rejection of claim 23 has been withdrawn.
3. Applicant's arguments concerning claim 1 (pg. 9-13), have been fully considered but are not persuasive. Specifically, applicant suggests the combination of art does not disclose "automatically sending the alert packet to the destination address" (of the management server) "by the at least one remote management processor, such that the

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alert packet includes the received requested IP address of the at least one remote management processor". This is not persuasive. Essentially, applicant is suggesting the management server of Hanson acquires the IP address directly from the DHCP server and not from the client (remote management processor). However, Hanson explicitly discloses that the end system and management server "coordinate together" to ensure the server recognizes the end system's address (paragraph 287). Although applicant submits (pg. 12) that "coordinate together" does not imply sending the address to the management server, it is respectfully submitted that the suggestion that this implies something other than the end system communicating directly with the server to inform it of the received address is misconstruing the reference. The mere fact that the system also employs some broadcasting (paragraph 308) does not override the explicit disclosure that the remote system and management server "coordinate together" to learn of the new address. Broadcasting is merely part of DHCP. DHCP and BOOTP allow a host to receive an IP address including option data as outlined in the DHCP RFC (see Hanson paragraph 286). Furthermore, Doherty explicitly discloses sending the address of a management server from a DHCP server to a host (paragraph 6) in order for the host to contact the management server. Therefore, this combination discloses a remote processor sending the received IP address to a management server as recited by the claims.

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4. Applicant argues that the combination of art does not teach or disclose claim 22 (pg. 13). However, the reasoning is the same as that described above. Therefore, it is also not persuasive for the same reasons stated above.

5. Applicant's arguments regarding claim 24 have been fully considered but are not persuasive. Khaki teaches a fast-forwarding cache for the network driver such that the network card can route / forward data without using a CPU or operating system (col. 2 ln. 59 - col. 3 ln. 8, and claim 24). One of ordinary skill in the art would recognize that if the network can route / forward without using the CPU or operating system, that it can work without loading an operating system. Network booting (transmitting over a network before loading an operating system) is well known in the art (see Boccon-Gibod, abstract, col. 2, cited in pertinent art section). Thus, this interpretation is not hindsight, rather it is known in the art that to transmit over a network without loading an operating system as recited by the claim and Khaki explicitly discloses routing / forwarding without using an operating system. Furthermore, this amendment is not supported by the Specification and therefore a 112, first paragraph rejection is now made.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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7. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not provide support for the present amendment “without ... loading an operating system”. Applicant indicated (pg. 13 of response) that support could be found in paragraph 20. However, paragraph 20 merely discloses “the remote sub-system processor then sends an ALERT message” ... “This function may or may not require the use of an operating system”. This disclosure not convey the ALERT message is sent without loading an operating system, as now recited by the claim. The words “use of an operating system” as presented in the specification suggest the operating system is either used or it isn’t used, it does not have any bearing on the presence of an operating system. The claim is specifically concerned with the presence of an operating system (i.e. without loading). The original disclosure does not support such a limitation.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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9. Claims 1-5, 7-9, 11-14, 16 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al. US 2003/0120811 A1 in view of Doherty et al. US 2003/0018763 A1.

Regarding claim 1, Hanson discloses “providing an internet protocol (IP) address” as using a DHCP server to provide clients with a network address (paragraph 286), “configuring an IP address issuing computer to include a plurality of IP addresses ... to be assigned to at least one remote management processor which is coupled to a remote hardware server” as a DHCP server that issues IP address to clients (management processor) which are connected to a remote management system (Fig. 1, paragraphs 286-287). Examiner searched for a definition of “management processor” in the specification only to find a brief description of it in the background section (pg. 1). Since the client disclosed by Hanson contains a processor that is coupled to a management server, the client disclosed by Hanson is a reasonable interpretation of the term “management processor”. Hanson also discloses “Option data comprises an IP address of a management server” as configuration information that allows a client to connect to a management server (paragraph 287), “hardware resources” as the computer system described would necessarily contain hardware (Fig. 1);

“sending a request from the ... processor to the IP address issuing computer” as sending a DHCP request (paragraph 286);

“in response to the request, receiving from the IP issuing computer ... the requested IP address” as receiving an available address (paragraph 286), “and the Option data” as configuration information (paragraph 287); and

“in response to the detecting of the Option data, automatically sending the alert packet ... such that the alert packet comprises the received requested IP address” as the end system and the management server coordinate together to ensure the server is aware of the issued IP address (paragraphs 287-288).

Hanson does not explicitly teach,

“in response to receiving the acknowledgment ... storing in the remote management processor, as a destination address for sending an alert packet, the received IP address of the management server” however this is taught by Doherty as receiving a file from the DHCP containing multiple destination addresses including the management server’s address (paragraph 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to store the information received from the DHCP server for future use. Hanson teaches this information allows communication (paragraph 287) but does not explicitly teach what is included or that it is stored. Doherty is cited for showing the DHCP interaction in more detail and thus the combination is merely following the DHCP RFC which outlines the complete protocol.

The combination of Hanson and Doherty does not explicitly disclose “the alert packet further comprises a shelf life of the received requested IP address” however

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Hanson does teach (paragraph 286) that the received IP address has a lease duration (i.e. shelf life) and that the end system informs the management server of the received IP address (paragraph 287). It would have been obvious to one of ordinary skill in the art at the time of the invention to inform the management server of the lease duration as well. The purpose of the management server is to manage the remote system. Once the IP address expires the management server will no longer be able to contact the remote system directly. Thus, it would have been obvious to inform the management system of the IP address' lifetime for the purpose of managing.

Regarding claim 2, Hanson discloses “the management server stores information ... includes the IP address assigned to the at least one remote management processor” as a management server recognizing the end system’s (processor) network address (paragraph 287), and “a shelf life of the assigned IP address” as the address is assigned for a specific period (lease duration) this is equivalent to a shelf life (paragraph 286).

Regarding claim 3, Hanson discloses “the IP address issuing computer is a DHCP server” (paragraph 286). Hanson does not explicitly disclose “the management server is running a management server software package to manage the at least one remote management processor” however this is taught by Doherty as a management server that has software for managing client requests (paragraphs 39-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine Hanson with the management software of Doherty for the purpose of managing. Hanson teaches a management server, the addition of management software is merely the combination of known elements according to their established function that yields a predictable result.

Regarding claim 5, Hanson discloses “sending of the request ... is automatically prompted by ... being powered on” as sending a request at boot time (paragraph 286).

Regarding claims 7-9 and 11, they are system claims that correspond to the method of claims 1-3 and 5 respectively. Therefore they are rejected for similar reasons.

Regarding claims 12-14 and 16, they are medium claims that correspond to the method of claims 1-3 and 5 respectively. Therefore they are rejected for similar reasons.

Regarding claim 22, it is a method claim that corresponds to claim 1, therefore it is rejected for similar reasons.

Regarding claim 23, Hanson discloses “identifying which IP addresses the DHCP server is authorized to assign” as the DHCP server has a pool of available addresses (paragraph 286).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson and Doherty as applied to claims 1-5 above, and further in view of Giglio et al. US 2004/0039821 A1.

Regarding claim 6, Hanson and Doherty do not explicitly disclose “an administrator of the management server defines the Option data” however this is taught by Giglio as manual configuration of network information (paragraph 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to manually configure certain network information as taught by Giglio for the purpose of setting up a network. Manual configuration is well known in the art and yields predictable results.

11. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hanson and Doherty in further view of Khaki et al. US 6,067,569.

Regarding claim 24, the combination of Hanson and Doherty does not explicitly disclose “alert packet is transmitted from said at least one remote processor without said at least one remote processor loading an operating system” however this is taught by Khaki as a network card performing forwarding (transmitting) without using the central processing unit or without intervention from the operating system (col. 2 ln. 59 - col. 3 ln. 8, and claim 24). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Hanson and Doherty with the

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fast-forwarding feature taught by Khaki for the purpose of transmitting data. Khaki teaches that by eliminating the overhead of involving the CPU / operating system routing / forwarding speed is improved (col. 3 ln. 60—col. 4 ln. 11).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bates et al. US 6,367,074 B1 discloses a routine for interfacing with a system without loading the operating system (abstract, claim 1).

Boccon-Gibod US 5,426,775 discloses a boot-up program sending network transmissions before loading the operating system (col. 2 ln. 43-53).

Kaneda et al. US 2003/0212781 A1 discloses an information processing unit that sends its IP address obtained from a DHCP server to the management unit (paragraph 16).

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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